

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

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TERRY FABRICANT, on behalf of himself and others
similarly situated,

Case No.:
1:22-cv-00843(GTS)(CFH)

Plaintiff,

-against-

CLEAR SKY LOCAL, LLC,
Defendant.

STIPULATION AND
[PROPOSED] ORDER TO
TRANSFER VENUE

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WHEREAS, Plaintiff TERRY FABRICANT, on behalf of himself and others similarly situated (“Plaintiff”), commenced this action on or about August 15, 2022 by filing a complaint (the “Complaint”) in the United States District Court for the Northern District of New York, with Case No: 1:22-cv-00843(GTS)(CFH);

WHEREAS, the Complaint alleges that defendant Clear Sky Local, LLC (“Defendant”) made unsolicited telemarketing text messages to Plaintiff’s telephone number, alleging violations of the Telephone Consumer Protection Act of 1991, 47 U.S.C. § 227;

WHEREAS, pursuant to 28 U.S.C. § 1391(b)(1) and the Complaint, venue for this action is proper in the judicial district in which Defendant resides;

WHEREAS, pursuant to 28 U.S.C. § 1391(d), Defendant is deemed to reside in the district within which its contacts would be sufficient to subject it to personal jurisdiction if that district were a separate state;

WHEREAS, Defendant does not have sufficient contacts with the Northern District of New York that would subject it to personal jurisdiction if that district were a separate state pursuant to 28 U.S.C. § 1391(d);

WHEREAS, Defendant maintains its principal place of business in Nassau County, New York, and maintains sufficient contacts in the Eastern District of New York sufficient to subject it to personal jurisdiction if that district were a separate state pursuant to 28 U.S.C. § 1391(d);

WHEREAS, the parties agree that venue is proper in the Eastern District of New York, nor the Northern District of New York, based on where Defendant is deemed to reside pursuant to 28 U.S.C. § 1391(b) and (d); and

IT IS HEREBY STIPULATED AND AGREED, that the above-captioned action be, and hereby is, transferred to the United States District Court for the Eastern District of New York, pursuant to 28 U.S.C. § 1391(b) and (d).

Dated: September 29, 2022

PARONICH LAW, P.C.

CERTILMAN BALIN ADLER & HYMAN, LLP

By: /s/ Anthony I. Paronich (with consent)

Anthony I. Paronich, Esq.

Attorneys for Plaintiff

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(NDNY Bar No. 701964)

By: /s/ Paul B. Sweeney

Paul B. Sweeney, Esq.

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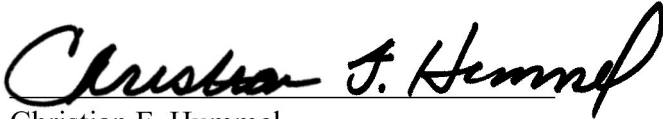
516-296-7000

psweeney@certilmanbalin.com

(NDNY Bar No. 703863)

SO ORDERED this

11th day of November _____ 2022.



Christian F. Hummel

U.S. Magistrate Judge